

NOT FOR PUBLICATION

DEC 10 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

MORONI ENRIQUE AGUILAR-
SCHUMANN,

Petitioner,

v.

MICHAEL B. MUKASEY,** Attorney
General,

Respondent.

No. 06-74207

Agency No. A78-021-234

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 3, 2007***

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Moroni Enrique Aguilar-Schumann, a native and citizen of Panama and lawful permanent resident of the United States, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying his motion to terminate proceedings and finding him removable because he participated in alien smuggling. We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law. *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005). We deny the petition for review.

Contrary to Aguilar-Schumann's contention, the BIA properly determined that his actions constitute alien smuggling as defined in 8 U.S.C. § 1182(a)(6)(E)(i). According to the I-213, Aguilar-Schumann stated that he knew his uncle lacked legal documentation to enter the United States, yet attempted to drive him across the border. Thus, Aguilar-Schumann "provided some form of affirmative assistance to the illegally entering alien." *Altamirano*, 427 F.3d at 592.

PETITION FOR REVIEW DENIED.